

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:21-mc-23103-BLOOM/Otazo-Reyes

CASA EXPRESS CORP, as Trustee of
CASA EXPRESS TRUST,

Judgment Creditor,

v.

BOLIVARIAN REPUBLIC OF
VENEZUELA,

Judgment Debtor.

/

DECLARATION OF COMPLIANCE WITH FLA. STAT. § 48.181

I, Andres Gamardo, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I have personal knowledge about the information in this declaration.
2. I am a partner with the firm Gamardo, P.A., and I represent Casa Express Corp, as Trustee of Casa Express Trust (“Casa Express”), in the above-captioned matter.
3. I submit this declaration attesting to Casa Express’s compliance with the requirements prescribed by Fla. Stat. § 48.181 in effecting service of process on Impleaded Defendant Raul Gorrin Belisario (“Gorrin Belisario”).
4. Casa Express is a judgment creditor of the Bolivarian Republic of Venezuela (“Venezuela”). In this supplementary proceeding, Casa Express seeks to execute certain real properties held by entities owned or controlled by Gorrin Belisario via the imposition of a constructive trust over the properties in favor of Venezuela.
5. On August 16, 2018, Gorrin Belisario was federally indicted together with co-conspirators Claudia Patricia Diaz Guillen (“Diaz Guillen”) and her husband Adrian Jose Velazquez Figueroa (“Velazquez Figueroa”) in this District for their participation in a corrupt

foreign currency exchange. *U.S.A. v. Belisario, et al*, Case No. 918-cr-80160-WPD (S.D. Fla.), ECF No. [3]. A Superseding Indictment was issued on December 15, 2020. *Id.*, ECF No. 44.

6. After a jury trial, the jury returned a guilty verdict against Diaz Guillen and Velazquez Figueroa for several charges relating to the corrupt currency exchange scheme. *Id.*, ECF No. [310]. The Court has scheduled a sentencing hearing on March 28, 2023. *Id.*, ECF No. [324]; ECF No. [325].

7. Gorrin Belisario's other co-conspirator, Alejandro Andrade Cedeno ("Andrade Cedeno"), pled guilty and was sentenced to a 10-year prison sentence for accepting bribes from Gorrin Belisario. ECF No. [60-8].

8. The only defendant that has not faced the charges from the Superseding Indictment is Gorrin Belisario. He is considered a most-wanted fugitive. ECF No. [60-2]. Federal agencies routinely tweet requesting information on his whereabouts. *See, e.g.*, ECF No. [60-3].

9. Casa Express has made several efforts to effect service of process on most-wanted fugitive Gorrin Belisario:

- On September 17, 2021, DLE Process Servers, Inc. ("DLE") attempted to serve the RIM Entities¹ and Gorrin Belisario at 4100 Salzedo Street, Apt. 1010, Miami, Florida 33146 but there was no answer. Ex. A.
- On September 21, 2021, DLE attempted to serve the RIM Entities and Gorrin Belisario at 4100 Salzedo Street, Apt. 1010, Miami, Florida 33146 but there was no answer and no movement heard inside. *Id.*

¹ The "RIM Entities" refers to RIM Group Investments Corp., RIM Group Investments I Corp., RIM Group Investments II Corp., and RIM Group Investments III Corp.

- On September 23, 2021, I emailed counsel to Gorrin Belisario, Mr. Howard Srebnick, asking if he would accept service on behalf of Gorrin Belisario and the RIM entities.
- On September 27, 2021, I followed-up with Mr. Srebnick via email to determine if he would accept service on behalf of Gorrin Belisario and the RIM Entities.
- October 5, 2021, DLE attempted to serve Gorrin Belisario at 4100 Salzedo Street, Apt. 1010, Miami, Florida 33146 but there was no answer and no movement heard inside. *Id.*
- On October 8, 2021, Mr. Srebnick accepted service on behalf of the RIM Entities but not Gorrin Belisario.
- On September 27, 2021, DLE served the Florida Secretary of State with the *Ex Parte* Expedited Motion to Commence Proceedings Supplementary, to Implead Defendants, and for Issuance of Statutory Notices to Appear, ECF No. [3], and Gorrin's Statutory Notice to Appear, ECF No. [15]. *See* Composite Exhibit B.

10. Upon further research, I discovered that substituted service was insufficient because the operative pleading did not allege that Gorrin Belisario operated, conducted, engaged in, or carried on a business venture within the State of Florida as required under the statute.

11. On June 7, 2022, Casa Express moved for leave to amend by interlineation its *Ex Parte* Expedited Motion to Commence Proceedings Supplementary, to Implead Defendants, and for Issuance of Statutory Notices to Appear, ECF No. [42].

12. In the motion, Casa Express explained that it sought leave to amend to, among other things, include certain jurisdictional allegations that would authorize it to effect service of process

on Gorrin Belisario via the Florida Secretary of State pursuant to Fla. Stat. § 48.181. ECF No. [42] at 2.

13. The Gorrin Controlled Entities² opposed the amendment. I believe that they opposed to protect Gorrin Belisario from being served in this action, since none of the allegations that were incorporated via interlineation related to the Gorrin Controlled Entities.

14. On September 2, 2022, the Court granted leave to amend and ordered Casa Express to separately file the Amended Motion to Commence Proceedings Supplementary in accordance with S.D. Fla. L. R. 15.1. ECF No. [59]. That same day, Casa Express filed the Amended Motion to Commence Proceedings Supplementary. ECF No. [60].

15. On September 7, 2022, the Court granted the Amended Motion to Commence Proceedings Supplementary, ECF No. [62], and issued new statutory Notices to Appear, ECF Nos. [63-73].

16. The following day, on September 8, 2022, DLE served Gorrin Belisario via the Florida Secretary of State with the Amended Motion to Commence Proceedings Supplementary, ECF No. [60], and Gorrin Belisario's Amended Statutory Notice to Appear, ECF No. [76]. *See* Composite Exhibit C.

17. On October 12, 2022, Casa Express moved for issuance of a Clerk's Default against Gorrin Belisario. ECF No. [93]. The Clerk entered a default against Gorrin Belisario the following day. ECF No. [99].

18. Gorrin Belisario moved to vacate the default arguing that Casa Express "did not reveal this substitute service until after the time to respond had run." ECF No. [101] at 3 (cleaned

² The "Gorrin Controlled Entities" refers to the RIM Entities, Planet 2 Reaching, Inc., and Posh 8 Dynamic Inc.

up). In fact, Casa Express had advised Gorrin Belisario that it would serve him via the Florida Secretary of State nearly 100 days before the service took place, in the motion for leave to amend. ECF No. [42] at 2 (“The Proposed Amendment seeks to incorporate certain jurisdictional allegations that are necessary to effect service of process on [Gorrin Belisario] via the Florida Secretary of State.”).

19. On November 30, 2022, the Court ordered Casa Express to re-serve Gorrin Belisario with his respective notice to appear and to provide him with 21 days to respond to the Amended Motion to Commence Proceedings Supplementary. ECF No. [105] at 7. The Court vacated the Clerk’s Default against Gorrin Belisario on December 16, 2022. ECF No. [109].

20. On December 12, 2022, DLE attempted to serve Gorrin Belisario at 144 Isla Dorada Blvd., Coral Gables, Florida 32303 (“Isla Dorada”). Ex. D. The process server reported that the property was not maintained and appeared to be vacant. *Id.* at 1.

21. On December 16, 2022, DLE effected service of process on the Florida Secretary of State with the Amended Motion to Commence Proceedings Supplementary, ECF No. [60], Gorrin Belisario’s statutory Notice to Appear, ECF No. [76], and the Court’s Order providing him with 21 days to respond, ECF No. [105]. ECF No. [114]. The Florida Secretary of State accepted service on behalf of Gorrin Belisario. Ex. E.

22. In compliance with the statute, Casa Express filed the return of service with the Court upon receipt. ECF No. [114]. In addition, Casa Express mailed a copy of the process forthwith to Gorrin Belisario’s last known address, Isla Dorada, via certified mail. Ex. F. Casa Express also mailed a copy of the process forthwith to Gorrin Belisario’s his office in Venezuela where he allegedly works in person “several days per week.” ECF No. [101] at 13; Ex. G. A person named Pedro Lopez received the process on January 9, 2023 at 11:54 a.m. Ex. G.

23. Gorrin Belisario's deadline to respond to the Amended Motion to Commence Proceedings supplementary was originally January 6, 2022. He filed two separate extensions of time to respond that Casa Express did not oppose. ECF No. [116]; ECF No. [120].

24. Based on the above circumstances, I believe that Casa Express has made a diligent effort in effecting service of process on Gorrin Belisario.

A. The Amended Motion to Commence Proceedings Supplementary satisfies the jurisdictional allegations' threshold necessary to effect substituted service under Fla. Stat. § 48.181.

25. To effect valid substituted service via the Secretary of State, plaintiffs must sufficiently allege that the defendant "operated, conducted, engaged in, or carried on a business or business venture in this state." *Labbee v. Harrington*, 913 So. 2d 679, 682 (Fla. 3d DCA 2005) (citing § 48.181 Fla. Stat.).

26. The Amended Motion to Commence Proceedings Supplementary, ECF No. [60], sufficiently alleges that Gorrin Belisario operated, conducted, engaged in, or carried on a business venture within the State of Florida:

At all material times, Gorrin operated, conducted, engaged in, or carried on a business or venture in Florida. Specifically, Gorrin (through shell entities) rented the real properties that were purchased with misappropriated Venezuelan funds to generate monthly cashflow and listed them for sale at higher prices than acquired for the purpose of realizing a profit.

ECF No. [60] at Statement of Facts ("SOF") ¶ 34.

27. The Amended Motion to Commence Proceedings Supplementary, ECF No. [60], includes an exhibit with screenshots from virtual real estate marketplaces, such as Zillow and Coldwell Banker Realty, proving that Gorrin Belisario listed the real properties for sale and rent to generate a profit from his investments. ECF No. [60-1].

28. Multiple documents suggest that Gorrin Belisario maintained residence in Coral Gables, Florida prior to his indictment. *See, e.g.*, ECF No. [60-12] (providing that Gorrin Belisario “was a resident of the United States”).

29. Most-wanted fugitive Gorrin Belisario represented to this Court that he resides “openly and notoriously” in Venezuela. ECF No. [101] at 12.

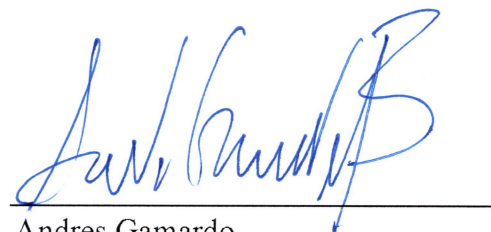
30. Out of an abundance of caution, the Amended Motion to Commence Proceedings Supplementary alleges that Gorrin Belisario conducted its real estate venture in the State Florida as a resident of the State or that, alternatively, he managed the real estate venture as a non-resident. ECF No. [60] at SOF ¶¶ 33; 38.

31. For these reasons, I believe that the Amended Motion to Commence Proceedings Supplementary satisfies the jurisdictional allegations threshold requirement prescribed by Fla. Stat. § 48.181 necessary to effect substituted service of process on a party via the Florida Secretary of State.

32. I also believe that service on Gorrin Belisario via the Florida Secretary of State complied with the requirements of the statute.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 19th day of January 2023.



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